

**State of New Hampshire
Office of Licensed Allied Health Professionals
Concord, New Hampshire**

In the Matter of:
Christopher Blouin, RCP
License No. 0682
(Adjudicatory Proceedings)

Docket No. 001-06

**ORDER OF EMERGENCY LICENSE SUSPENSION
AND NOTICE OF HEARING**

1. In cases where public health, safety or welfare requires emergency action, RSA 328-F:23; RSA 541-A:30, III, and New Hampshire Board of Licensed Allied Health Professionals Rule ("Ahp") 209.02 authorize the New Hampshire Board of Allied Health Professionals ("Board") to suspend a license to practice pending completion of an adjudicatory proceeding. In such cases, the Board must commence a hearing not later than 10 days after the date of the emergency order. If the Board does not commence the hearing within 10 days, the suspension order shall be automatically vacated. *See*, RSA 541-A:30, III. The Board may not continue such a hearing without the consent of the licensee to the continuation of the emergency suspension. Ahp 209.02(c). Accordingly, neither the date of the initial evidentiary hearing nor the date for concluding this proceeding shall be postponed or extended unless Respondent agrees to continue the suspension period pending issuance of the Board's final decision in this matter. RSA 541-A:30, III; Ahp 209.02.

2. Christopher Blouin, RCP ("Respondent"), holds an active license, No. 0682, to practice respiratory therapy in the State of New Hampshire. Respondent was previously employed as a respiratory therapist at Monadnock Community Hospital in Peterborough, New Hampshire. Respondent was terminated from that position.

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3. The Board has received information indicating that the continued practice of respiratory therapy by Respondent poses a threat to public health, safety and/or welfare. This warrants the temporary suspension of Respondent's license to practice respiratory therapy pending a hearing on whether permanent and/or temporary disciplinary sanctions should be imposed. An investigation was conducted and a Report of Investigation was provided to the Board.

4. In support of this Order of Emergency License Suspension and Notice of Hearing, the Board alleges the following facts:

- A. During the first week of January, 2006, a supervisor observed Mr. Blouin to be impaired by alcohol while at work at Monadnock Hospital. Mr. Blouin admitted that he had been drinking. The hospital suspended Mr. Blouin and encouraged him to enroll in substance abuse treatment through the Employee Assistance Program.
- B. Mr. Blouin returned to work and was required to submit to a daily breath test for alcohol. On March 16, 2006, he failed a breath test and was terminated from employment. Respondent has not notified the Board of his termination of employment.
- C. On April 24, 2006, information was obtained that Mr. Blouin has suffered from a substance abuse problem for several years. He has attempted recovery via detoxification programs and has been hospitalized briefly.
- D. Mr. Blouin was convicted of driving under the influence second offense on February 16, 2006, in the Jaffrey District Court. Mr. Blouin was

ordered to serve 30 days in jail followed by a seven day multiple offender treatment program. Mr. Blouin has failed to provide notice to the Board that he was convicted of that offense.

- E. Mr. Blouin last provided a home address to the Board of 9 Cobble Hill Road, West Swanzey, NH 03469. Mr. Blouin has not resided at that address for the past four months. He has failed to provide a current address to the Board.

5. Based upon the above information, the Board finds that Respondent's untreated substance abuse and his failure to report required information to the Board creates a threat to public health, safety and/or welfare. Further, the Board believes there is a reasonable basis for immediately suspending Respondent's license on a temporary basis, and for commencing an expedited disciplinary hearing against Respondent pursuant to RSA 326-E:8; 328-F:23; 541-A:30, III, and Ahp 209.02.

6. The purpose of the hearing will be to determine whether Respondent has engaged in professional misconduct contrary to RSA 326-E:8; 328-F:23; and, 328-F:25; which warrants the continued imposition of a temporary license suspension, the imposition of permanent disciplinary sanctions, or both. The specific issues to be determined in this proceeding are:

- A. Whether, during the first week of January, 2006, Respondent committed professional misconduct in violation of RSA 328-F:23, II(f) by reporting to work under the influence of alcohol.
- B. Whether Respondent has committed professional misconduct by failing to report to the Board that he was convicted of misdemeanor driving while

intoxicated second offense by the Jaffrey District Court in violation of RSA 328-F:23, II(b) and RSA 328-F:25, I.

- C. Whether Respondent has committed professional misconduct by failing to provide the Board with notice of his change of home address within 30 days as required by RSA 328-F:23, II(j) and Ahp 403.02.
- D. Whether Respondent has committed professional misconduct by failing to provide the Board with notice of the termination of his employment with Monadnock Hospital in violation of RSA 328-F:23, II (j) and Ahp 403.01.
- E. If any of the above allegations are proven, whether and to what extent, Respondent should be subjected to one or more of the disciplinary sanctions authorized by RSA 328-F:23, IV.

THEREFORE, IT IS ORDERED, that Respondent's New Hampshire license to practice respiratory care is immediately suspended until further order of the Board; and

IT IS FURTHER ORDERED, that an adjudicatory proceeding be commenced for the purpose of resolving the issues articulated above pursuant to RSA 328-F:23; 541-A:30, III; Ahp 209.02. To the extent that this order or the Board's rules do not address an issue of procedure, the Board shall apply the New Hampshire Department of Justice Rules, Part 800; and the New Hampshire Code of Administrative Rules.

IT IS FURTHER ORDERED, that Christopher Blouin, RCP shall appear before the Board on May 11, 2006 at 9:00 a.m./p.m., at the Board's office located at 2 Industrial Park Drive, Concord, N.H., to participate in an adjudicatory hearing and, if deemed appropriate, be subject to sanctions pursuant to RSA 328-F:23.

IT IS FURTHER ORDERED that if Respondent elects to be represented by counsel, at Respondent's own expense, said counsel shall file a notice of appearance at the earliest date possible; and,

IT IS FURTHER ORDERED that Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia*, or the imposition of disciplinary sanctions without further notice or an opportunity to be heard, or both; and,

IT IS FURTHER ORDERED that Katherine Cooper, Esquire, 33 Capitol Street, Concord, N.H., 03301 is appointed to act as Hearing Counsel in this matter with all the authority within the scope of RSA Chapter 328 to represent the public interest. Hearing Counsel shall have the status of a party to this proceeding; and,

IT IS FURTHER ORDERED that, Carl Rod, RCP, Chairperson, or any other person whom he may designate, shall act as presiding officer in this proceeding; and,

IT IS FURTHER ORDERED that any proposed exhibits, motions or other documents intended to become part of the record in this proceeding, be filed by the proponent with the Board, in the form of an original and five (5) copies, and with an additional copy mailed to any party to the proceeding, and to Assistant Attorney General Elyse Alkalay, Counsel to the Board, N.H. Department of Justice, 33 Capitol Street, Concord, New Hampshire 03301. All responses or objections to such motions or other documents are to be filed in similar fashion within ten (10) days of receipt of such motion or by the date of the hearing, whichever occurs first, or unless otherwise ordered by the Board; and,

IT IS FURTHER ORDERED that a witness and exhibit list and any proposed exhibits, pre-marked for identification only, shall be filed with the Board no later than three (3) days

before the date of the hearing. Respondent shall pre-mark his exhibits with capital letters, and Hearing Counsel shall pre-mark her exhibits with Arabic numerals; and,

IT IS FURTHER ORDERED that unless good cause exists, all motions shall be filed at least three (3) days before the date of any hearing, conference, event or deadline which would be affected by the requested relief, except any motion seeking to postpone a hearing or conference, which shall be filed at least ten (10) days before the hearing or conference in question; and,

IT IS FURTHER ORDERED that the entirety of all oral proceedings be recorded verbatim by the Board. A shorthand court reporter shall be provided at the hearing or conference and such record shall be transcribed by the Board if the requesting party or agency shall pay all reasonable costs for such transcription; and,

IT IS FURTHER ORDERED that all documents shall be filed with the Board by mailing or delivering them to Veronique Soucy, Administrative Assistant, N.H. Board of Allied Health Professionals, 2 Industrial Park Drive, Concord, New Hampshire 03301; and,

IT IS FURTHER ORDERED that routine procedural inquiries may be made by telephoning Veronique Soucy, Administrative Assistant, N.H. Board of Allied Health Professionals, at (603) 271-8390, but that all other communications with the Board shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Board's regulations; and,

IT IS FURTHER ORDERED that a copy of this Notice of Hearing shall be served upon Respondent by certified mail addressed to the address he supplied to the Board in his latest renewal application. A copy shall also be delivered to Hearing Counsel.

BY ORDER OF THE BOARD/*

Dated: May 2, 2006

Veronique C Soucy
Veronique Soucy, Administrative Assistant
Authorized Representative of the
New Hampshire Board of Allied Health
Professionals

/* Seann Kenneally, Board member, did not participate

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